



**COUNTY OF SAN LUIS OBISPO HEALTH AGENCY**  
**PUBLIC HEALTH DEPARTMENT**

**Jeff Hamm** *Health Agency Director*

**Penny Borenstein, MD, MPH** *Health Officer/Public Health Director*

March 15, 2018

System No. 4000750

Eric Elder  
President  
171 Rim Rock Rd.  
Nipomo, CA 93444

**RE: COMPLIANCE ORDER NO. 04\_70\_18R\_001**

Enclosed is Compliance Order No. 04\_70\_18R\_001 (hereinafter "Order"), issued to the Rim Rock Water Company (hereinafter "System"), public water system. Please note that there are legally enforceable deadlines associated with this Order.

Failure to act may result in the System being billed at the SLOEHS hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the SLOEHS for actual costs incurred by the SLOEHS for specified enforcement actions, including but not limited to, preparing, issuing, and monitoring compliance with a citation. At this time, the SLOEHS has spent approximately 2.5 hours on enforcement activities associated with this violation.

Any person who is aggrieved by a citation, order or decision issued by the SLOEHS may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation, order or decision. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the citation, order or decision. The date of issuance is the date when the SLOEHS mails or serves a copy of the citation, order, or decision, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

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**Environmental Health Services**

2156 Sierra Way, Suite B | San Luis Obispo, CA 93401 | (P) 805-781-5544 | (F) 805-781-4211

[www.slopublichealth.org/ehs](http://www.slopublichealth.org/ehs)

If you have any questions regarding this matter, please contact me at (805) 781-5551.

Regards,

  
Kealoha Ghiglia, REHS  
Environmental Health Specialist III

Enclosures

cc: Jeff Densmore, District Engineer  
Santa Barbara District  
Division of Drinking Water  
State Water Resources Control Board

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**COUNTY OF SAN LUIS OBISPO HEALTH AGENCY  
PUBLIC HEALTH DEPARTMENT  
ENVIRONMENTAL HEALTH SERVICES**

IN RE: Rim Rock Water Company  
System No: 4000750

TO: Eric Elder  
President  
P.O. Box 740  
Grover Beach, California 93483

CC: State Water Resources Control Board  
- Jeff Densmore, District Engineer, Field Operations Branch  
- Primacy Liaison Unit

**COMPLIANCE ORDER FOR  
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116655 (a)(1)  
AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC**

**Issued on March 15, 2018**

Section 116655 of Chapter 4, Part 12, Division 104 of the California Health and Safety Code (hereinafter "CHSC"), authorizes the issuance of an Order for failure to comply with the requirement of the California Safe Drinking Water Act, or any regulation, standard, permit or order issued hereunder.

Section 116330 of Chapter 4, Part 12, Division 104 of the CHSC allows the Department to delegate primary responsibility for the administration and enforcement of the CHSC within a county to a local health officer authorized by the board of supervisors to assume these duties, by means of a local primacy delegation agreement (hereinafter "Agreement"). The effective date



of the San Luis Obispo County Agreement is December 9, 2013. This Agreement remains in effect.

San Luis Obispo County, Environmental Health Services (hereinafter "SLOCEHS") hereby issues a Compliance Order (hereinafter "Order") to the Rim Rock Water Company for violation of CHSC section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

#### **APPLICABLE AUTHORITIES**

##### **CHSC, Section 116555(a)(1) states in relevant part:**

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.

##### **CHSC, Section 116655 states in relevant part:**

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.



(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

**Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:**

Public water systems shall comply with the primary Maximum Contaminant Levels (MCLs) in Table 64431-A as specified in this article.

**Table 64431-A**  
**Maximum Contaminant Levels**  
**Inorganic Chemicals**

74a	<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
74b	Aluminum	1.
74c	Antimony	0.006
74d	Arsenic	0.010
74e	Asbestos	7 MFL*
74f	Barium	1.
74g	Beryllium	0.004
74h	Cadmium	0.005
74i	Chromium	0.05
74j	Cyanide	0.15
74k	Fluoride	2.0
74l	Hexavalent chromium	0.010
74m	Mercury	0.002
74n	Nickel	0.1
74o	Nitrate (as NO <sub>3</sub> )	45.
74p	Nitrate+Nitrite (sum as nitrogen)	10.
74q	Nitrite (as nitrogen)	1.

74r	Perchlorate	0.006
74s	Selenium	0.05
74t	Thallium	0.002

74u \* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

**Title 22, CCR Section 64432 (hereinafter "Section 64432") provides in relevant part:**  
**Section 64432**

...

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

(2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the Department and resample as confirmation. The water supplier shall notify the Department of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

(1) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.

(2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the Department;

(A) Immediately discontinue use of the contaminated water source; and

(B) Not return the source to service without written approval from the Department.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

#### **STATEMENT OF FACTS**

The Rim Rock Water Company (hereinafter "Water System") is a community water system located in San Luis Obispo County that supplies water for domestic purposes to approximately 55 individuals through 24 service connections. The Water System operates under a Domestic Water Supply Permit issued June 30, 2015, by the San Luis Obispo Environmental Health Services Department. The Water System is a community public water system as defined in CHSC, section 116275.

The Water System utilizes two groundwater wells as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Community and nontransient noncommunity water systems must comply with the maximum contaminant level for arsenic of 0.010 mg/L, as established in Title 22 CCR Section 64431.

Well 01 (4000750-001) and Well 02 (4000750-002) are the only sources of potable water for this water system. Water from the two wells is pumped at intervals and blended in a 100,000 gallon concrete storage tank.

On October 20, 2017, a routine sample of Well 01 detected arsenic levels at 0.084 mg/L. Well 01 was resampled on November 17, 2017 and results indicated arsenic levels of 0.110 mg/L. The average of the two samples is 0.097 mg/L.



On December 18, 2017, Well 02 was sampled for arsenic with the result of 0.060 mg/L. The follow up sample for Well 02 was taken on January 18, 2018 with the result of 0.040 mg/L. The average of the two samples is 0.050 mg/L.

Section 64431 (i) provides that compliance with the arsenic MCL is based on a "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter. Further, Section 64431 (i) states: "if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation."

#### **DETERMINATIONS**

Based on the above Statement of Facts, SLOCEHS has determined that the Water System has violated CHSC, Section 116555 and Section 64431 in that one sample of water produced by Well 01 during the fourth quarter of 2017 would cause the annual average to exceed the MCL.

Based on the above Statement of Facts, SLOCEHS has determined that the Water System has violated CHSC, Section 116555 and Section 64431 in that a single sample of water produced by Well 02 during the fourth quarter of 2017 (and confirmed in the first quarter of 2018) would cause the annual average to exceed the MCL.

#### **DIRECTIVES**

Rim Rock Water Company is hereby directed to take the following actions to achieve arsenic MCL compliance:

1. On or before **June 30, 2020**, comply with Title 22, CCR, Section 64431 and remain in compliance.
2. On or before **April 30, 2018**, submit a written response to SLOCEHS indicating the Water Company's agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with **Attachment A**, hereto, of Water System's failure to meet the arsenic

MCL during any calendar quarter that a single sample or the four-quarter running annual average exceeds the MCL.

4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment B, hereto.
5. Commencing on the date of service of this Order, collect quarterly samples for arsenic from Well 01 and Well 02, as required by Section 64432(g), and ensure that the analytical results are reported to the Division electronically by the analyzing laboratory no later than the 10<sup>th</sup> day following the month in which the analysis was completed.
6. Prepare for Division approval a Corrective Action Plan identifying improvements to the Water System designed to correct the water quality problem (violation of the arsenic MCL) and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which date shall be no later than **June 30, 2020**.
7. On or before **April 30, 2018**, present the Corrective Action Plan required under Directive No. 6 above, to SLOCEHS at the office located at 2156 Sierra Way, Unit B, San Luis Obispo, CA 93401 (mailing: POB 1489, San Luis Obispo, CA 93406).
8. Timely perform the Division approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
9. On or before **July 1, 2018**, and every three months thereafter, submit a report to SLOCEHS in the form provided as Attachment C, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.
10. Not later than ten (10) days following the date of compliance with the arsenic MCL, demonstrate to SLOCEHS that the water delivered by Water System complies with the arsenic MCL.
11. Notify SLOCEHS in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System anticipates it will not timely meet such performance deadline.



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All submittals required by this Order shall be addressed to:

Kealoha Ghiglia, REHS  
County of San Luis Obispo Health Agency  
Public Health Department  
Environmental Health Services  
2156 Sierra Way, Unit B  
Mail: PO Box 1489  
San Luis Obispo, CA 93406

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the Water System. SLOCEHS reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves the Water System of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4 hereinafter “California SDWA”) or any regulation, standard, permit or order issued thereunder.

**PARTIES BOUND**

This order shall apply to and be binding upon Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this Order are severable, and Water System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.



**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes SLOCEHS to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes SLOCEHS to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of SLOCEHS; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of SLOCEHS. SLOCEHS does not waive any further enforcement action by issuance of this Order.



Kealoha Ghiglia, REHS  
County of San Luis Obispo Health Agency  
Public Health Department  
Environmental Health Services  
2156 Sierra Way, Suite B  
Mail: PO Box 1489  
San Luis Obispo, CA 93406

Attachments  
Attachment A: Public Notification Template  
Attachment B: Certification of Public Notification Template  
Attachment C: Quarterly Progress Report Template

## Instructions for Tier 2 Arsenic MCL Notice Template

### Template Attached

Since exceeding the arsenic maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet <sup>(b)</sup>
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet <sup>(b)</sup>
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

### Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water



system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

### **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

### **Corrective Action**

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- “We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove arsenic or connecting to [system]’s water supply.”
- “We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.”
- “We will increase the frequency at which we test the water for arsenic.”
- “We have since taken samples at this location and had them tested. They show that we meet the standards.”

### **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.



## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

### **[System] Has Levels of Arsenic Above the Drinking Water Standard**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on [date] showed arsenic levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of 0.010 milligrams per liter.

#### **What should I do?**

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk to getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

#### **What happened? What is being done?**

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

#### **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: \_\_\_\_\_. Date distributed: \_\_\_\_\_.

## Attachment B

### Certification of Completion of Public Notification

(Include a Copy of Public Notice with the Certification of Completion of Public Notification)

This form, when completed and returned to the County of San Luis Obispo Environmental Health Services, 2156 Sierra Way, Suite B, San Luis Obispo, CA 93401 or fax to 805-781-4211, serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

**Public Water System Name:** Rim Rock Water Company

**Public Water System No.:** 4000750

Public notification for arsenic MCL violation for the ( 4th ) Quarter of 2017

was performed by the following method(s) (check and complete those that apply):

- ☐ The notice was mailed to users on: \_\_\_\_\_  
A copy of the notice is attached.
- ☐ The notice was hand delivered to water customers on: \_\_\_\_\_  
A copy of the notice is attached.
- ☐ The notice was published in the local newspaper on: \_\_\_\_\_  
A copy of the newspaper notice is attached.
- ☐ The notice was posted at conspicuous places on: \_\_\_\_\_  
A copy of the notice is attached.  
A list of locations the notice was posted is attached.
- ☐ The notice was delivered to community organizations on: \_\_\_\_\_  
A copy of the notice is attached.  
A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to San Luis Obispo County Environmental Health Services within 10 days of issuance of notice to customers

Enforcement Action No. 04\_70\_18R\_001



# Quarterly Progress Report

Water System: <b>Rim Rock Water Company</b>	Water System No.: <b>4000750</b>
Compliance Order No.: <b>04-70-18R-001</b>	Violation: <b>Arsenic MCL</b>
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Tehachapi District Office.

**Summary of Compliance Plan:**

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**Tasks completed in the reporting quarter:**

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**Tasks remaining to complete:**

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**Anticipate compliance date:**

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**Name**

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**Signature**

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**Title**

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**Date**